



EFW

Docket No.: N9810.0026/P026  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Harry A. Dugger, III et al.

Application No.: 10/671,708

Confirmation No.: 9259

Filed: September 29, 2003

Art Unit: 1616

For: BUCCAL, POLAR AND NON-POLAR  
SPRAY CONTAINING TESTOSTERONE

Examiner: M. Haghighatian

**RESPONSE TO RESTRICTION REQUIREMENT AND ELECTION OF SPECIES**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed February 2, 2006, Applicants hereby elects Group II, claims 13-29 and 48-65 for continued examination. With respect to the species election requirement, Applicants hereby elect the following species: stimulating erythropoiesis.

The Examiner has required restriction between Group I, claims 1-12, 30-47 and 66-74, drawn to a composition containing propellant; and Group II, claims 13-29 and 48-65, drawing to a propellant free composition. In addition, according to the Office Action, "claims 39-74 are generic to a plurality of disclosed patentably distinct species comprising methods of treating various disorders by using compositions comprising testosterone."

Applicants expressly reserve the right to file a divisional application directed to the non-election claims.

Dated: March 3, 2006

Respectfully submitted,

By 

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